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UNITED STATES GOVERNMENT

MEMORANDUM

FILED
FEB 29 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

February 20, 2008

FROM: U.S. Probation Office - Collateral Coordinator

TO: U.S. District Court Clerk's Office - Public Services Division

RE: Treaty Transfer Case in the matter of: **Aguirre, Lauro**
Register #: 40889-180

The attached treaty transfer documents are submitted for jurisdictional purposes pursuant to 18 U.S.C. § 4106A(b)(3), in connection with criminal docket number **0974 3:08CR07009-001-IEG** assigned by your office via telephone this date.

Should you need additional data, please do not hesitate to contact me at (619) 557-6461.

Wilson Forbes (signature)
Wilson T. Forbes
U.S. Probation Clerk

Attachments:
Transfer Treaty Determination Pursuant to 18 U.S.C. § 4106A
Standard/Special Conditions of Supervision for Transferee Pursuant to 18 U.S.C. § 4106A
Jurisdiction for Supervised Releasees Transferred to U.S. Pursuant to Treaty

/wtf

TRANSFER TREATY DETERMINATION
PURSUANT TO 18 U.S.C. §4106A

NAME: **AGUIRRE, Lauro**

REG. NO: **40889-180** **INSTITUTION:** **La Tuna FCI**

The transferee was convicted of Simple Intentional Homicide in Mexico and sentenced to serve 9 years imprisonment.

The Commission finds that the foreign offense is most similar to Second Degree Murder. The Commission finds that the Total Offense Level is 31, that the Criminal History Category is III, that Career Offender and/or Criminal Livelihood provisions do not apply and that the guideline range is 135-168 months. The Commission finds that a period of supervised release of 3 to 5 years applies.

The Commission orders that the transferee continue to expiration of sentence (full term of the foreign sentence) after the service of 108 months. Based upon your projected good conduct time release date, as calculated by the Bureau of Prisons, you will be released on 05-31-2008. Your foreign labor credits and good conduct time credits (if any) will be deducted from this release date determination pursuant to Bureau of Prisons procedures.

The release date determination is a departure from the guidelines because the foreign sentence term is below the bottom of the applicable guideline range.

It is further ordered that the transferee, immediately upon release from imprisonment, commence serving a 60 month period of supervised release, or until the full term date of your foreign sentence currently calculated to be 09-26-2009, whichever is earlier, under the following conditions:

Standard conditions of supervised release (see attached).

Special conditions of supervised release (see attached).

1. Alcohol Aftercare

The special condition(s) of supervised release has been imposed because you have a history of excessive consumption of alcoholic beverages.

TRANSFER TREATY DETERMINATION
PURSUANT TO 18 U.S.C. §4106A

NAME: **AGUIRRE, Lauro**

REG. NO: **40889-180** **INSTITUTION:** **La Tuna FCI**

John R. Simpson
4/15/2004

John R. Simpson
National Commissioner

Date

Cranston J. Mitchell
4-15-04

Cranston J. Mitchell
National Commissioner

Date

This action may be appealed to the United States Court of Appeals for the circuit in which the transferee is imprisoned within 45 days after receipt. The notice of appeal must be filed in accordance with Title IV of the Federal Rules of Appellate Procedure (Rule 15(a) et seq.). A notice of appeal must also be filed with the United States Parole Commission, Attn: General Counsel's Office.

STANDARD CONDITIONS OF SUPERVISION FOR TRANSFEREE PURSUANT TO 18 U.S.C. §4106A

TRANSFEREE: AGUIRRE, Lauro **REG. NO: 40889-180**

While on supervised release, you shall abide by the following conditions:

1. You shall report in person to the probation office in the district to which you are released within 72 hours of release from the custody of the Bureau of Prisons;

2. You shall not commit another federal, state or local crime;

3. You shall not leave the judicial district without the permission of the court or probation officer;

4. You shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;

5. You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;

6. You shall support your dependents and meet other family responsibilities;

7. You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;

8. You shall notify the probation officer within seventy-two hours of any change in residence or employment;

9. You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician. Pursuant to 18 U.S.C. §3583(g), the revocation of supervised release is mandatory for possession of a controlled substance;

10. You shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

11. You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;

12. You shall permit a probation officer to visit you at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;

13. You shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

14. You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;

15. As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm your compliance with such notification requirement;

16. You shall not possess a firearm or other dangerous weapon.

SPECIAL CONDITIONS OF SUPERVISION

1. You shall participate in a community based program for the treatment of alcoholism as directed by your probation officer.

NOTE: If the Commission has ordered a period of supervised release that expires before the full term of your foreign sentence, your foreign sentence remains in effect and continues to serve as the maximum authorized term that you may be required to serve. The district court will, therefore, have the option under 18 U.S.C. §3583(e)(2) to extend your period of supervised release to the full term of your foreign sentence. If your supervised release is revoked, the district court may order any combination of reimprisonment and supervised release that does not exceed the sentence imposed by the foreign court, as authorized by 18 U.S.C. §4106A(b)(1)(C).

I have read, or had read to me, the conditions of release printed on this statement and received a copy thereof. I fully understand the conditions and know that if I violate any conditions, I may have my supervised release revoked.

Signature of Transferee **Reg. No. 40889-180**

Witnessed **Date**

An original signed copy of this statement must be returned to the National Appeals Board of the U.S. Parole Commission within 10 days of receipt.

JURISDICTION FOR SUPERVISED RELEASEES TRANSFERRED TO U.S. PURSUANT TO TREATY

Name & Address of Supervised Releasee:

AGUIRRE, Lauro
170 W. Seaward Apt. #1
San Ysidro, California 92173

(619) 690-9942

Register Number:

40889-180

Country of Transfer & Offense:

Mexico

Simple Intentional Homicide

Period of Supervised Release:

60 Months

NOTE: The period may extend to the foreign full-term date, but no longer. Full-term date controls unless supervised releasee absconds.

Pursuant to 18 U.S.C. §4106A(b)(3) the jurisdiction over the above named supervised releasee is conferred upon the United States District Court for the Southern District of California. Along with this Notice of Transfer of Jurisdiction are the records compiled by the U.S. Parole Commission for the purpose of determining a release date and periods and conditions of supervised released pursuant to 18 U.S.C. §4106A(b)(1)(A). The transfer of jurisdiction is effective on the date that this transfer is filed with the district court clerk or on the date the transferee is released from custody, whichever is earlier.

John R. Simpson
National Commissioner

4/15/2004
Date

Cranston J. Mitchell
National Commissioner

4-15-04
Date